

SUPPORT FOR THE AMENDMENT

Support for the amendment to claims 1, 5 and 6 is found beginning on page 22, line 25 to page 23, line 1. Support for claim 11 is found in claim 5 as originally presented. Support for claim 12 is found on page 11, lines 17-21 of the specification. Support for claim 13 is found on page 15, lines 11-15 of the specification. Support for claim 14 is found on page 6, lines 5-8 of the specification. Support for claim 15 is found on page 6, lines 10-15 of the specification. Support for claim 16 is found on page 6, lines 16-20 of the specification. Support for claim 17 is found beginning on page 6, line 25 through page 7, line 1 of the specification. Support for claim 18 is found on page 6, lines 16-20 of the specification. Support for claim 19 is found on page 7, lines 18-20 of the specification. Support for claim 20 is found on page 8, lines 3-5 of the specification. No new matter would be added to this application by entry of these amendments.

Upon entry of this amendment claims 1-20 will now be active in this application with claims 1-4 and 11-20 being under active consideration.

REQUEST FOR RECONSIDERATION

The claimed invention is directed to an oil or fat composition.

Applicants wish to thank examiner Paden for the helpful and courteous discussion held with their U.S. representative on August 16, 2006. At that time, applicants' U.S. representative argued that the presence of an acid component described by Goto et al. was a result of a pH adjustment of an emulsion comprising an aqueous phase and that the proposed limitation to restrict the amount of water to from 1,500-50,000 ppm would not provide for a sufficient aqueous phase for which the pH would need to be adjusted. Applicants' U.S. representative further argued that Koike et al. was subject to common ownership with the

claimed invention and therefore would not be obvious under 35 U.S.C. § 103(c). The following is intended to expand upon the discussion with the examiner.

Diglyceride containing compositions have been found effective for improving blood cholesterol levels and preventing the accumulation of body fat. Diglyceride compositions are commercially available, however can suffer problems upon storage rendering the compositions less acceptable. More specifically, issues as to turbidity upon storage and odor in use after storage have arisen. Accordingly, oil and fat diglyceride containing compositions having improved storage properties are sought.

The claimed invention addresses this problem by providing for an oil or fat composition comprising diglycerides, a specific carboxylic acid, an antioxidant, a plant sterol and from 1,500-50,000 ppm of water. Applicants have discovered that such a composition provides for good stability of a diglyceride containing composition. Such a composition is nowhere disclosed nor suggested in the cited prior art of record.

The rejection of claims 1-4 under 35 U.S.C. § 103(a) over Goto et al. (U.S. 6,139,897) is respectfully traversed.

Goto et al. fails to disclose or suggest an oil or fat composition containing 0.001-1 wt.% of a specific carboxylic acids in a composition having 1,500-50,000 ppm of water.

Goto et al. describes an oil or fat composition which may be used in the production of a food material when combined with an emulsifier (column 5, lines 54-67). The emulsion has a separate aqueous phase, preferably in a ratio of oil phase to aqueous phase of 20/80-80/20 (column 6, lines 24-26). The pH of the emulsion may be adjusted with edible vinegar, an organic acid such as citric acid or a souring agent such as lemon juice in the preparation of oil-in-water type acidic, oil or fat-processed food product (column 6, lines 24-28). Thus, at best the citric acid is used to adjust the pH of an aqueous phase of an oil-in-water type acidic emulsion. The motivation to have citric acid present in a diglyceride composition would be

to adjust the pH of a separate aqueous phase of the emulsion. In the absence of a separate aqueous phase, there would be no motivation to have an acid such a citric acid be present.

In contrast, the claimed invention is directed to an oil or fat composition comprising 1,500-50,000 ppm of water. Applicants note that the claims have been amended to recite an amount of 1,500-50,000 ppm of water. Such an amount of water is reflective of the claimed invention being directed to a oil or fat composition, such as would be stored for consumer use. As an amount of 1,500-50,000 ppm of water is insufficient to warrant pH adjustment of a separate aqueous phase in an oil-in-water emulsion, there would be no motivation to include citric acid in an oil or fat composition containing only 1,500-50,000 ppm of water. As there is only 1,500-50,000 ppm of water in the claimed oil or fat composition, there would be no motivation to include a carboxylic acid such as citric acid and accordingly the claimed invention is not obvious over the reference of Goto et al. Withdrawal of this ground of rejection is respectfully requested.

The rejection of claims 1-4 under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) over Koike et al. (U.S. 6,844,021) is respectfully traversed.

Koike et al. fails to disclose or suggest a saturate dissolved-water content of the diglyceride of from 1,500-50,000 ppm. As such, the claimed invention which recites a water content of 1,500-50,000 ppm is not anticipated by this reference since this claim limitation is not disclosed.

Moreover, the above-identified application and Koike et al were, at the time the invention of the subject matter of the above-identified application was made, owned by Kao Corporation. As such, the claimed subject matter is not obvious under 35 U.S.C. § 103(c). Withdrawal of this ground of rejection is respectfully requested.

Applicants submit this application is now in condition for allowance and early notification of such action is earnestly solicited.

Respectfully submitted,

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